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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/171,921	10/29/1998	HILARY LYNDSEY WILLIAMS	36-1288	8650

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EXAMINER

TRAN, HENRY N

ART UNIT PAPER NUMBER

2674

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/171,921

Applicant(s)

WILLIAMS, HILARY LYNDASAY

Examiner

HENRY N TRAN

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-31 and 77-79 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 12-19,30,31 and 79 is/are allowed.
6) ☒ Claim(s) 1-7,20,21 and 27-29 is/are rejected.
7) ☒ Claim(s) 9-11,22-26,77 and 78 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 12 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This Office action is in response to the applicant's amendment received 3/29/04 (Paper No. 26). The amendments to the claims have been entered. Applicant's remarks were considered, with the results set forth as follows.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-6 and 27-29 are rejected under 35 U.S.C. 102(a) as being anticipated by Persidsky.

Persidsky teaches a portable pen computer 10 comprising: movement detection means comprising: a pressure sensor 14, a movement sensor 16 having acceleration detection means 21, 23 and 25, and buttons 34, 36, 38, 42, 44 and 46, responsive to movements to produce an output signal; a storage medium 22; a display 24; and a processing means 40 for displaying pages or screens of images or words; wherein, the acceleration detector 21, 23 and 25 are mounted perpendicularly to detect movement data at a 90 degree angle; the portable pen computer 10 is housed in a stylus casing comprising a radiused triangular cross-section along the writing tip 12 section, and a flatten section incorporating a display screen, see figures 1, 3 and 9.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Persidsky (U.S. Patent No. 6,130,666) in view of O'Connor et al (U.S. Patent No. 6,188,392).

Persidsky teach generally all except for the use radio transmission or infrared transmission means and receiving means for transmitting data. O'Connor et al teach the use of a radio or infrared transceiving means 119 for transmitting data, see figures 1 and 2, and col. 6, lines 3-22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the wireless interface as taught by O'Connor et al in the Persidsky pen computer because this would provide the enhanced portability and functionality of the pen computer system, which is compact and convenient to use. Claims 7, 20 and 21 are dependent upon the base claim 1, and are rejected on the same basis set forth in claim 1, and by the reasons discussed above.

Allowable Subject Matter

5. Claims 12-19, 30-31, and 79 are allowed.

6. Claims 9-11, 22-26, 77 and 78 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Response to Arguments

7. Applicant's arguments with respect to claims 1-7, 9-29, 77 and 78 have been considered but are moot in view of the new grounds of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENRY N. TRAN whose telephone number is 703-308-8410.

The examiner can normally be reached on Mon – Fri from 8:00AM – 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHARD A. HJERPE, can be reached at 703-305-4709.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or fax to:

703-872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703-306-0377.

Henry N. Tran

HENRY N. TRAN
Primary Examiner
Art Unit 2674

Hnt
June 29, 2004